

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

THOMAS J. FISHER, II

Plaintiff,

v.

CIVIL ACTION NO. 2:16-cv-12257

LISA M. HALL, et al.,

Defendants.

**ORDER**

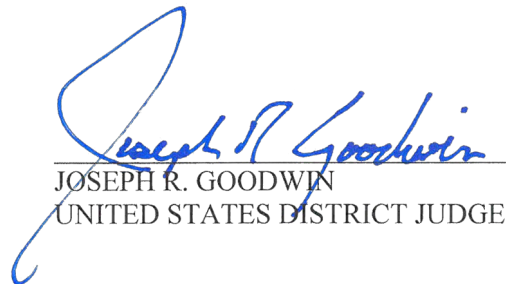
This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On August 25, 2017, Judge Tinsley submitted his Proposed Findings & Recommendations [ECF No. 10] (“PF&R”) and recommended that the court **DENY** the plaintiff’s Motion to Proceed to Halt and Postpone Any Orders & Injunction [ECF No. 7] and **DISMISS** this civil action for lack of subject matter jurisdiction pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure or, in the alternative, **DISMISS** the Complaint, without prejudice, for failure to state a claim upon which relief can be granted. Neither party timely filed objections to the PF&R nor sought an extension of time.

A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court accepts and incorporates herein the PF&R and orders judgment consistent therewith. The court **DENIES** the plaintiff’s Motion to Proceed to Halt and Postpone Any Orders & Injunction [ECF No. 7], **DISMISSES** the case, and **DIRECTS** this action to be removed from the docket.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: September 12, 2017



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE